REMARKS

Applicant respectfully requests reconsideration of this application, as amended, and consideration of the following remarks. Claims 1, 17 and 18 have been amended. Claim 16 has been canceled. Claims 1-18 remain pending. Claims 1-18 stand rejected as being unpatentable under 35 U.S.C. 103(a).

Amendments

Amendments to the Claims

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. The amendments are supported by the claims and/or specification as filed and therefore no new matter has been added as a result of these amendments.

Rejections

Rejections under 35 U.S.C. §103(a)

Claims 1-15 and 17-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US Pat App 2002/0012329 by Atkinson et al. (hereafter the Atkinson reference) in view of US Pat 6,012,030, by French-St. George et al. (hereafter the French reference). Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the Atkinson reference in view of the French reference, and further in view of the Adusumilli reference (US Patent 5,870,749). Applicant respectfully traverses these rejections as will be described in more detail below.

The Atkinson reference teaches a system for dynamic, on the fly, operation on or execution of data and/or software instructions transferred between wireless and/or wired devices. In one embodiment, a protocol stack may be used to enable personal networking between a variety of systems and/or devices that utilize Java or Java-like languages, including, but not limited to, systems and devices that operate with WIN 32, Macintosh OS, UNIX, and real-time operating systems. The systems and/or devices may implement Java or Java-like languages and technology in software, hardware, or both.

The French reference teaches a system of management of speech and audio prompts, and interface presence, in multimodal user interfaces is provided. A communications device having a multimodal user interface including a speech interface, and a non-speech interface, e.g. a graphical or tactile user interface, comprises means for dynamically switching between a background state of the speech interface and a foreground state of the speech interface in accordance with a users input modality choice. Preferably, in the foreground state speech prompts and speech based error recovery are fully implemented and in a background state speech prompts are replaced by earcons, and no speech based error recovery is implemented. Thus there is provided a device which automatically subdue the speech prompts when a user selects a non-speech input/output mechanism. Also provided is a method for dynamic adjustment of audio prompts and speech prompts by switching from a foreground state to a background state of a speech interface in response to a users current interaction modality, by selecting alternative states for speech and audio interfaces that represent users needs for speech prompts. This type of system and method is particularly useful and applicable to hand held Internet access communication devices.

The Adusumilli reference discloses a method for translating attribute data carried in Common Management Information Protocol (CMIP) Protocol Data Units (PDUs) to/from custom designed data structures. A supplementary method for incorporating user's preferences on the data structures and the relationships between different fields in these data structures and the corresponding attribute values is also provided. The translation method automatically performs conversions between the user-designed data structures and various CMIP requests/responses automatically, and, in accordance with user's preferences. The method allows users to simplify and/or compact the storage representation of the Managed Objects by taking advantage of application specific knowledge, and by eliminating unnecessary fields from CHOICE data types in the target data structures. Benefits of the methods presented in this disclosure include automatic translation of CMIP PDUs to/from user-designed data structures, ability to store Managed Object data in space-efficient manner, and automatic generation of data structures for use in communicating with devices using proprietary data representation.

As to claims 1, 17 and 18, neither the Atkinson reference nor the French reference, whether considered alone or in combination, discloses nor suggests each and every element of the claimed invention. Specifically, none of the cited references teach or suggest a manager object in the client tier for managing said device-independent applications and wherein the manager object includes logic for creating a registry in the first tier that includes a table of each of said at least one application object class and wherein the registry includes an application object class ID for each of said at least one application object class and logic for allowing a first application object class to be active in the foreground state in a first tier device. The manager object also includes logic for allowing a second application object class to be active in the background state and logic for allowing a third application object class to be inactive in the background state. The manager object also includes logic for receiving a request for access to the foreground state from one of the second application object class or the third application and logic for granting the request for access to the foreground state. The logic for granting the request for access to the foreground state includes logic for placing the first application object class in the background state, logic for placing the requesting application object class in the foreground state and logic for placing the first application object class in a destroy state from the background state.

The Examiner relies on page 1, paragraph 12 through page 2 paragraph 13 of the Atkinson reference to teach "a gateway for preprocessing communications between said client device and said plurality of servers ***thereby reducing processing requirements on said client device***" (emphasis added). Applicant submits that page 1, paragraph 12 through page 2 paragraph 13 of the Atkinson reference teaches a communication layer that assembles and reassembles the data for the appropriate protocol of transmission but does not perform any "preprocessing" of the data that will reduce the "processing requirements on said client device" as Atkinson's client device must similarly extract the data from the protocol formatting that that Atkinson's communication layer formatted the data into. Applicant therefore maintains the position that Atkinson's communication layer ***does not reduce*** the "processing requirements on said client device" as claimed in claims 1, 17 and 18. Specifically, Applicant draws the Examiner's attention to paragraph 0028 that states in pertinent part:

"The wireless gateway tier 102 is responsible for providing services that lighten the load on the client by doing as much preprocessing as possible ***and*** for any protocol translation between the server and the client device. For example, the gateway performs ***content transformation*** to WML (Wireless Markup Language) or XHTML, converts from HTTP (Hyper Text Transport Protocol) to WAP, does Byte-code verification, authenticates Java applications, provides push services, and other services." (emphasis added)

Therefore, Applicant contends that neither of the Atkinson reference nor the French reference nor the Adusumilli reference, whether considered alone or in any combination, teaches nor suggests each and every element of the invention as claimed in claims 1, 17 and 18. Accordingly, Applicant contends that claims 1, 17 and 18 are patentable over either of the Atkinson reference or the French reference, whether considered alone or in combination and therefore respectfully requests these rejections under 35 U.S.C. §103(a) be withdrawn.

As to claims 2-15: each of claims 2-15 depend from claim 1 and are patentably distinct over the Atkinson reference and the French reference, whether considered alone or in combination, for at least the same reasons as set out above for claim 1. Applicant therefore respectfully request the withdrawal of the rejection of claims 2-15 under 35 U.S.C. §103(a).

SUMMARY

In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact George B. Leavell at (408) 749-6900, ext 6923.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 50-0805 (Ref SUNMP071) for any charges that may be due or credit our account for any overpayment. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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Dated: February 16, 2006

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